



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/517,127	03/02/00	MOORE	S MI22-1246

021567 QM32/1012
WELLS ST JOHN ROBERTS GREGORY AND MATKIN
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EXAMINER

ELEY, T

ART UNIT	PAPER NUMBER
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3723

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DATE MAILED:

10/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/517,127

Applicant(s)

MOORE ET AL.

Examiner

Timothy V Eley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-67 and 130-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-26, 39-62, 130-136 and 138-140 is/are allowed.
- 6) ☒ Claim(s) 27-29, 32-34, 37, 38, 63, 67 and 137 is/are rejected.
- 7) ☒ Claim(s) 30, 31, 35, 36 and 64-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 137 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. "wherein . . . fluid" (claim 137, last 2 lines) is vague, indefinite, and/or awkwardly and confusingly worded. The signal is compared to a signature of what?

Claim Rejections - 35 USC § 103

3. Claims 27-29,32-34,37,38,63,67, and 137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurisawa.

a. Kurisawa discloses a semiconductor processor system comprising, a process fluid system including: a recirculation system configured to recirculate the process fluid to a homogeneous level(note, since any particular concentration of the fluid can be obtained, a homogeneous fluid can be obtained and supplied); a mixer configured to mix a plurality of components of a process fluid; a connection configured to supply the process fluid; a sensor configured to output a signal indicative of at least one of the components and/or process

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fluid(see abstract; note since the sensor measures concentration of the slurry/process fluid, it inherently outputs a signal indicative of the amount of at least one of the components in the slurry and therefore of the process fluid); and a control system coupled with the sensor and configured to control mixing of the components responsive to the signal since the new slurry supply device stops supplying new slurry, in a case where the concentration which the sensor measures is equal to or above a predetermined value(see abstract).

Regarding claim 137, any signal indicative of the process fluid received from the sensor is inherently compared to a signature of the process fluid or a desired concentration of the process fluid.

b. Kurisawa does not specifically disclose a process chamber.

c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the Kurisawa system by enclosing the workpiece in a chamber thereby reducing the passing of contaminants to the atmosphere.

d. To store historical data corresponding to the process fluid would have been an obvious matter of choice since storing data would clearly allow for better operating of the system.

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Response to Arguments

4. Applicant's arguments filed September 21, 2001 have been fully considered but they are not fully persuasive.

a. Applicant argues that it is inconceivable how the Kurisawa reference could teach a sensor configured to output a signal indicative of at least one of the components when the disclosure only teaches to monitor the concentration of the slurry.

i. It is inconceivable as to how the Kurisawa reference could teach monitoring the concentration of the slurry and not output a signal indicative of at least one of the components of the slurry/process fluid. Is not the concentration of the slurry based on the amounts of certain components of the slurry?

b. Applicant argues that the Kurisawa patent does not disclose any teachings of suggestion of homogeneous levels of a process fluid.

i. Firstly, the Kurisawa device is capable of supplying virtually any type of slurry.

ii. Secondly, since any particular concentration of the fluid can be obtained, a homogeneous fluid can be obtained and supplied.

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Allowable Subject Matter

5. Claims 1-5, 7-18, 39-62, 130-136, and 138-140 are allowed.
6. Claims 30, 31, 35, 36, and 64-66 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

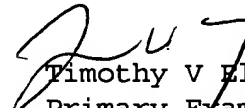
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose

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telephone number is 703 -308-1824 . The examiner can normally be reached on M-F .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305- 3579 for regular communications and 703- 305-3588 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.


Timothy V Eley
Primary Examiner
Art Unit 3723

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October 11, 2001